

Emergency Response & Recovery Operations Permitting



Do I need a Water Boards permit?

During and after an emergency, such as a wildfire, flood, or earthquake, landowners and other responsible parties may need to take actions to protect life, property, and the environment, and recover from any impacts. If your response or recovery activities may affect California's surface water, coastal waters, or groundwater, you must notify the appropriate Regional Water Quality Control Board (Regional Water Board) or State Water Resources Control Board (State Water Board) (collectively, Water Boards) to obtain a permit. For emergency response activities, any required permits are generally issued as soon as possible after initiation of the response, and for recovery activities permits are typically issued before work begins. Examples of recovery activities include but are not limited to debris removal, hazard tree removal, sediment removal associated with debris flows, and restoration activities. **This document does not cover all Water Boards permitting**; the intent is to provide general guidance on pertinent

regulations associated with emergency work.

Water Quality Regulations

The map below shows the nine Regional Water Board jurisdictions throughout the state.



Please consult with the appropriate Regional Water Board to ensure permits are in place before work begins and maintain communications throughout operations. If you are unsure which Region your activities fall under, please visit: https://www.waterboards.ca.gov/waterboards_map.html

The most common activities in the emergency response and recovery phases are described below; however, there may be other permits required for activities that are not described here. Furthermore, additional

permitting may be required through other state and federal agencies, to include but not limited to the California Department of Fish and Wildlife, the United States Army Corps of Engineers, and the California Department of Forestry and Fire Protection (CAL FIRE). Please contact them for more information.

Dredge or Fill Activities

Dredging typically means excavation of material from surface waters including wetlands, streams, rivers, or lakes. Filling typically means the deposition of material in wetlands or other surface waters and can include such things as stream bank stabilization, reconstructing a watercourse crossing, or bridge repair work. If your dredge or fill activities occur in a water of the United States, a Clean Water Act Section 404 permit through the U.S. Army Corps of Engineers and associated 401 certifications from the Water Board may be required. If your dredge or fill activities occur in a water of the State that is not a water of the United States, you may still be required to submit a report of waste discharge (ROWD) to the appropriate Regional Water Board, who will then determine if permitting through Waste Discharge Requirements (WDRs) or a waiver of WDRs is necessary. In some instances, enrollment in a general permit may be an available option for your activity, and in others individual WDRs may be needed.

Stormwater Activities

The discharge of a pollutant(s) into surface waters from a point source may require a National Pollutant Discharge Elimination System (NPDES) permit from the Regional

Water Board. The two NPDES permits most commonly applicable to emergency activities are the Construction Stormwater General Permit (CGP) and the Industrial Stormwater General Permit (IGP). If your activity will disturb one or more acres of land or will disturb less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, enrollment in the CGP may be required. Certain industrial facilities involved in emergency response and recovery, such as temporary staging areas and vehicle maintenance areas, may require IGP enrollment.

Nonpoint Source Activities

Nonpoint source discharges are those affecting surface water from diffused sources, such as sediment from soil disturbance. Common activities during emergency work that might create nonpoint source discharge include but are not limited to, hazard tree and debris removal, and the building, use, and maintenance of roads. Where recovery activities include the commercialization (sell, barter, or trade) of timber, a harvest permit should be obtained from CAL FIRE, in addition to a potential permit from the appropriate Regional Water Board.

Questions?

If you have questions about this resource, please contact the Emergency Management Program at EMP@waterboards.ca.gov

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